

Exhibit A

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF BLAND

Theodora Lynn Jackson

Plaintiff,

v.

Michael S. Bowlin
3817 Sunrise Ave.
El Paso, TX 79904

and

Martin Transport, Inc.
4200 Stone Road
Kilgore, TX 75662

Serve: Chris Booth, Registered Agent
4200 Stone Road
Kilgore, TX 79904

and

Eastman Chemical Company
200 S. Wilcox Drive
Corporate Tax
Kingsport, TN 37662

Serve: Corporation Service Company, Registered Agent
100 Shockoe Slip, 2nd Floor
Richmond, VA 23219

and

John Doe
[Address Unknown]

Defendants.

Civil Law No. 18- 272

VALIDATE CASE PAPERS

RCPT : 18000002051

DATE : 11/02/2018 TIME: 12:15

CASE : 021CL18000272-00

ACCT : JACKSON, THEODORA LYNN

AMT. : \$346.00

Lisa A. Hall, Esq.

COMPLAINT

[Jury Trial Demanded]

COMES NOW your Plaintiff, Theodora Lynn Jackson, by counsel, and moves for judgment against the defendants, Michael S. Bowlin, Martin Transport, Inc., Eastman Chemical Company and John Doe, jointly and severally, on the grounds and in the amounts set forth below:

1. Plaintiff, Theodora Lynn Jackson, is a resident of Washington County, Virginia.
2. Defendant, Michael S. Bowlin, was at all times relevant hereto, upon information and belief, a resident of El Paso, Texas, and an employee of Martin Transport, Inc., acting as an agent of Martin Transport, Inc., and within the scope of his employment with Martin Transport, Inc.
3. Defendant, Martin Transport, Inc., was at all times relevant hereto, upon information and belief, a corporation organized and existing under the laws of the state of Texas, with its principal place of business in Kilgore, Texas.
4. Defendant, Eastman Chemical Company, was at all times relevant hereto, upon information and belief, a corporation organized and existing under the laws of the state of Delaware, with its principal place of business in Kingsport, Tennessee.
5. Defendant, John Doe, is an as yet unidentified employee of Eastman Chemical Company, acting as an agent of Eastman Chemical Company, and within the scope of his employment with Eastman Chemical Company.

COUNT I

NEGLIGENCE

6. On or about May 7, 2015, at approximately 11:44 a.m., Michael S. Bowlin, in his capacity as an employee of Martin Transport, Inc., was operating a tanker truck owned and operated by Martin Transport, Inc., proceeding north on Interstate 77 in Bland County, Virginia.

7. At the same time and place, Theodora Lynn Jackson, was a back seat passenger in a Chevy Silverado following behind the tanker truck driven by Michael Bowlin on Interstate 77 in Bland County, Virginia.

8. The tanker truck driven by Michael S. Bowlin was loaded with Acetic Anhydride.

9. The tanker truck had been filled with Acetic Anhydride at Eastman Chemical Company in Kingsport, Tennessee, by as yet unknown employees of Eastman Chemical Company.

10. Acetic Anhydride is a colorless, mobile, combustible liquid with a pungent acetic acid odor, primarily manufactured for captive use in production of cellulose acetate and related products. Acetic Anhydride is corrosive to the skin, eyes and mucous membranes, and is extremely dangerous when inhaled.

11. The tanker truck driven by Michael Bowlin was leaking Acetic Anhydride from a missing washout cap in front of the manhole cover on the top of the tanker.

12. The Acetic Anhydride splashed out of the tanker truck and onto the vehicle in which Plaintiff was a passenger.

13. When the Acetic Anhydride splashed onto the vehicle in which Plaintiff was

riding, Plaintiff immediately felt severe burning in her eyes, pain in her chest and trouble breathing due to the harshness of the vapors from the chemical. Due to the severity of the exposure, upon arrival at the Wythe County Community Hospital Emergency Room, Plaintiff was put through an entire decontamination process, along with having her eyes flushed for forty five (45) minutes.

14. Defendants each had a duty to ensure that the Acetic Anhydride was loaded securely into the tanker truck operated by Michael S. Bowlin, in accordance with all applicable laws and regulations, and with due regard for the safety of others using the road.

15. Notwithstanding said duties, Defendants Michael S. Bowlin and John Doe, and each of them, negligently failed to secure the load of Acetic Anhydride. Defendants were negligent in that they:

- (a) failed to properly seal the load of Acetic Anhydride within the tanker;
- (b) failed to properly secure the load of Acetic Anhydride within the tanker;
- (c) failed to utilize the proper cap on top of the tanker, allowing the load of Acetic Anhydride within the tanker to escape onto passing motorists;
- (d) failed to inspect the load of Acetic Anhydride while in transit;
- (e) failed to keep a proper lookout for leaks of Acetic Anhydride while in transit; and
- (f) other acts of negligence to be proven at trial.

16. At all times referred to in this Complaint, Michael S. Bowlin was acting as an agent, servant and employee of Martin Transport Inc., and was acting within the scope of his employment with Martin Transport, Inc.

17. Under the principle of respondiat superior, Martin Transport, Inc. is liable for the negligent and tortious conduct of its employees.

18. At all times referred to in this Complaint, John Doe was acting as an agent, servant and employee of Eastman Chemical Company, and was acting within the scope of his employment with Eastman Chemical Company.

19. Under the principle of respondiat superior, Eastman Chemical Company is liable for the negligent and tortious conduct of its employees.

COUNT II

GROSS NEGLIGENCE

20. Defendants' actions in this matter, jointly and severally, amount to a conscious disregard for the safety of others, rising to the level of gross negligence.

COUNT III

STRICT LIABILITY

21. Under applicable state and federal laws, defendants, jointly and severally, are strictly liable for the injuries complained of herein.

22. As a direct and proximate result of defendants' negligence and gross negligence aforesaid, Plaintiff sustained serious and permanent bodily injuries; has suffered and will continue to suffer great pain of body and mind; has received and will receive in the future hospital, doctor and related medical treatment in an effort to be cured of her injuries; has incurred and will incur in the future hospital, doctor and related

bills in an effort to be cured of the injuries she sustained; has lost income as a result of missing time from work, and will in the future lose income as a result of her inability to work; has been permanently impaired in her earning capacity; has been permanently impaired in her body; has been forced to restrict her daily activities with a consequent deprivation of the joys and satisfaction of life, and will be forced to continue to restrict her activities in the future with further deprivation of the joys and satisfaction of life.

WHEREFORE, Plaintiff, THEODORA LYNN JACKSON, respectfully requests that judgment be entered against the defendants, jointly and severally, in the sum of One Million Five Hundred Thousand Dollars (\$1,500,000.00), and her costs of this litigation, all with interest as allowed by law including prejudgment interest, and for such other and further relief as to the Court may seem meet and proper.

A trial by jury is demanded.

THEODORA LYNN JACKSON

By: 
Of Counsel

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Receipt : 18000002051

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OFFICIAL RECEIPT
BLAND CIRCUIT COURT
CIVIL

DATE : 11/02/2018 TIME : 12:14:58 CASE # : 021CL1800027200
 RECEIPT # : 18000002051 TRANSACTION # : 18110200010
 CASHIER : LAH REGISTER # : C979 FILING TYPE : COM PAYMENT : FULL PAYMENT

CASE COMMENTS : JACKSON, THEODORA LYNN v. BOWLIN, MICHAEL S ET ALS

SUIT AMOUNT : \$1,500,000.00

ACCOUNT OF : JACKSON, THEODORA LYNN

PAID BY : LACY, CHARLES

CHECK : \$346.00 CHECK NUMBER : 3933

DESCRIPTION 1 : COM:COMPLAINT - CATCH-ALL

2 : PLAINTIFF: JACKSON, THEODORA LYNN

3 : SCHEDULED 12/10/2018 AT 09:00 AM IN ROOM TYPE: TERM

ACCOUNT CODE	DESCRIPTION	PAID
049	WRIT TAX (CIVIL)	\$25.00
106	(TTF) TECHNOLOGY TRUST FUND FEE (CIRCUIT COURT)	\$5.00
123	LEGAL AID SERVICES	\$9.00
147	INDIGENT ASSISTANCE (INA)	\$1.00
170	COURT TECHNOLOGY FUND	\$10.00

ACCOUNT CODE	DESCRIPTION	PAID
219	LAW LIBRARY	\$4.00
229	COURTHOUSE MAINTENANCE FEE (CHMF)	\$2.00
304	CIVIL FILING FEE (LAW & EQUITY)	\$290.00

TENDERED : \$ 346.00
 AMOUNT PAID : \$ 346.00

PAYOR'S COPY

CLERK OF COURT : REBECCA I. JOHNSON

RECEIPT COPY 1 OF 2